

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 10-CA-200615

**AMERICAN POSTAL WORKERS UNION,
AFL-CIO, LOCAL 1078**

and

Case 10-CA-202325

**NATIONAL POSTAL MAIL HANDLERS UNION,
AFL-CIO, LOCAL 305**

and

Case 10-CA-204917

**AMERICAN POSTAL WORKERS UNION,
AFL-CIO, LOCAL 591**

DECISION AND ORDER

Statement of the Cases

On April 6, 2018, the United States Postal Service (the Respondent), American Postal Workers Union, AFL-CIO, Local 1078; National Postal Mail Handlers Union, AFL-CIO, Local 305; American Postal Workers Union, AFL-CIO, Local 591 (collectively the Local Unions); and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.¹

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.²

¹ Chairman Ring is recused and took no part in the consideration of this case.

² We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. § 101 et seq.

2. The labor organizations involved

At all material times, American Postal Workers Union, AFL-CIO, Local 1078 (Postal Workers Local 1078) has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, National Postal Mail Handlers Union, AFL-CIO, Local 305 (Mail Handlers Local 305) has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, American Postal Workers Union, AFL-CIO, Local 591 (Postal Workers Local 591) has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, American Postal Workers Union, AFL-CIO (Postal Workers) has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, National Postal Mail Handlers Union, AFL-CIO (Mail Handlers) has been a labor organization within the meaning of Section 2(5) of the Act.³

to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Member Emanuel would not approve the parts of the Order that require the Respondent to take action with respect to "any other union with which Respondent has a collective-bargaining relationship", because no violations against other unions are alleged as part of this case.

³ The Postal Workers and the Mail Handlers are collectively referred to as the National Unions.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Raleigh, Greensboro, and Rocky Mount, North Carolina, its officers, agents, successors, and assigns, shall

1. Cease and desist from the following in connection with the Respondent's employees employed in the Respondent's facilities at 6508 Hilburn Drive, Raleigh, North Carolina; 1120 Pleasant Ridge Road, Greensboro, North Carolina; and 327 East Raleigh Boulevard, Rocky Mount, North Carolina.

(a) Refusing to bargain collectively and in good faith with the National Unions, by failing to furnish, or by unduly delaying furnishing, information that is relevant and necessary to the Local Unions in performing their duties for the National Unions, the exclusive bargaining representatives of the units.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Upon request, furnish the Local Unions, or any other union with which the Respondent has an exclusive collective-bargaining relationship at its facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, with necessary and relevant information in a timely and appropriate manner.

(b) Waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information that the Local Unions missed due to the Respondent's delay in providing the information requested as described in the following paragraphs of each complaint:

Complaint Date	Paragraphs
September 14, 2017	9 through 13
October 27, 2017	9 through 22
December 7, 2017	9 through 16

(c) Maintain a log at each of the Respondent's facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, in which the Respondent will immediately record each information request that the Local Unions, or any other union with which the Respondent has an exclusive collective-bargaining relationship at these facilities, tendered to the Respondent orally or in writing, at those

facilities. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the union and unit involved; the name of the supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided the Local Unions or other such union with which the Respondent has an exclusive collective-bargaining relationship at its facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard, Rocky Mount, North Carolina, with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time to furnish the information, the manager or supervisor will inform the Local Unions, or any other such union with which the Respondent has an exclusive collective-bargaining relationship at these facilities, in writing, requesting additional time and explaining the need for additional time. Union stewards will be granted reasonable access to the logs, upon request.

(d) Provide for each manager and supervisor who is designated to receive union requests for information at the Respondent's facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, annual training that encompasses how to maintain the log and how to tender the relevant information the Local Unions, or any other such union with which the Respondent has an exclusive collective-bargaining relationship at these facilities, requested; and require that each such supervisor and manager sign an acknowledgment form attesting to the fact that he or she has completed this training. A copy of this acknowledgment form shall be maintained in the supervisor's or manager's training and history files. Supervisors or managers who fail reasonably to supply relevant information, or who fail to supply such information timely, to the Local Unions, or other such union with which the Respondent has an exclusive collective-bargaining relationship at its facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of the supervisor or manager.

(e) Notify Union stewards at the Respondent's facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, when the manager or supervisor who is designated to receive union requests for information at that facility has changed.

(f) Require the Respondent's legal or labor relations department to conduct semi-annual audits of the logs at the Respondent's facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, to ensure that the information requests of the Local Unions and other such unions with which the Respondent has an exclusive collective-bargaining relationship at these facilities are being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal or labor relations department shall

tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(g) Within 14 days of service by the Region:

(i) Post at the Respondent's facilities located at 6508 Hilburn Drive, Raleigh, North Carolina; 1120 Pleasant Ridge Road, Greensboro, North Carolina; and 327 East Raleigh Boulevard, Rocky Mount, North Carolina, copies of the Notice to Employees that the Regional Director for Region 10 shall provide to the Respondent for posting. Copies of the notice, on forms provided by the Regional Director, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted;

(ii) Electronically post the Notice to Employees for employees at the Respondent's facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, if the Respondent customarily uses electronic means such as an electronic bulletin board, email, website, or intranet to communicate with those employees;

(iii) Send a copy of any Board Order and Notice to Employees to all its supervisors and managers at the Respondent's facilities at 6508 Hilburn Drive, Raleigh, North Carolina; 1120 Pleasant Ridge Road, Greensboro, North Carolina; and 327 East Raleigh Boulevard, Rocky Mount, North Carolina.

(h) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The certification shall include a copy of the documents signed by a responsible official attesting to the dates that the notices were received, the dates that the notices were posted, and where the notices were posted; the certification shall also include the dates the Respondent sent the Board Order and Notice to its supervisors and managers, a list of the names and job titles of the individuals to whom the Respondent sent them, and the method the Respondent employed to send them.

(i) Upon request, provide to the Regional Director of Region 10 or his designee, copies of the logs described above in subparagraph (c); the acknowledgement forms, audit reports, and discipline described above in subparagraph (d); and the semi-annual audits and reports from the Respondent's legal or labor relations department described above in subparagraph (f).

Dated, Washington, D.C., June 8, 2018.

Mark Gaston Pearce,	Member
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Marvin E. Kaplan,	Member
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William J. Emanuel,	Member
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(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT unreasonably delay in providing the American Postal Workers Union, AFL-CIO, Local 1078; National Postal Mail Handlers Union, AFL-CIO, Local 305; and American Postal Workers Union, AFL-CIO, Local 591, with information that they or their National Unions need to represent you.

WE WILL NOT in any like or related manner interfere with your rights under the National Labor Relations Act.

WE HAVE provided American Postal Workers Union, AFL-CIO, Local 1078 with the information that it requested on May 31, 2017.

WE HAVE provided National Postal Mail Handlers Union, AFL-CIO, Local 305 with the information that it requested on:

- February 14, 2017, and again on March 17, and April 3, 2017
- February 14, 2017
- April 11, 2017
- April 11, 2017, and again on May 2, 2017
- June 18, 2017
- June 29, 2017

WE HAVE provided American Postal Workers Union, AFL-CIO, Local 591 with the information it requested on:

- August 10, 2017, and again on August 21, 2017
- August 11, 2017, and again on August 21, 2017
- August 14, 2017, and again on August 21, and September 13, 2017

WE WILL, upon request, provide American Postal Workers Union, AFL-CIO, Local 1078; National Postal Mail Handlers Union, AFL-CIO, Local 305; and American Postal Workers Union, AFL-CIO, Local 591 with necessary and relevant information in a timely and appropriate manner.

WE WILL waive for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information that American Postal Workers Union, AFL-CIO, Local 1078; National Postal Mail Handlers Union, AFL-CIO, Local 305; and American Postal Workers Union, AFL-CIO, Local 591 missed due to our delay in providing the information requested.

WE WILL maintain at each of our facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, a log in which we will immediately record each information request that any union at these facilities with which we have an exclusive collective-bargaining relationship makes, either orally or in writing, at that facility. **WE WILL** provide these unions with reasonable access to these logs that pertain to their requests.

WE WILL provide annual training for each manager and supervisor who is designated to receive union requests for information at each of our facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina. Such training will encompass how to maintain the log and how to tender the relevant information to any union with which we have an exclusive collective-bargaining relationship at each of these facilities.

WE WILL notify union stewards for all unions with which we have an exclusive collective-bargaining relationship at each of our facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, when the manager or supervisor who is designated to receive union requests for information at these facilities has changed.

WE WILL require our legal or labor relations department to conduct semi-annual audits of the logs at each of our facilities located at 6508 Hilburn Drive in Raleigh, North Carolina; 1120 Pleasant Ridge Road in Greensboro, North Carolina; and 327 East Raleigh Boulevard in Rocky Mount, North Carolina, to ensure that the information requests of any union with which we have an exclusive collective-bargaining relationship are being handled in a timely and appropriate manner and to ensure the logs are being properly maintained.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/10-CA-200615 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive

Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

